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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/620,016	07/14/2003	Jack A. Zeineh	TRE1.PAU.10	8634

47022 7590 07/13/2006

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EXAMINER

SMITH, CAROLYN L

ART UNIT PAPER NUMBER

1631

DATE MAILED: 07/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT	PAPER
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20060626

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Commissioner for Patents

The amendment filed on 4/29/06 canceling all claims drawn to the elected invention and presenting only claims drawn to a non-elected invention is non-responsive (MPEP § 821.03). Newly submitted claims 2-35 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons:

Cancelled claim 1 was directed to a method for simultaneously viewing remote microscope images involving overlapping virtual and live slides to obtain an optimal image.

New claims 2-35 are directed to a system and methods for remote viewing of a slide involving control features.

Although there are no provisions under the section for "Relationship of Inventions" in M.P.E.P. § 806.05 for inventive groups that are directed to different processes, restriction is deemed to be proper because these methods/systems appear to constitute patentably distinct inventions for the following reasons: Claim 1 is directed to a method for simultaneously viewing remote microscope images requiring overlapping virtual and live slides to obtain an optimal image which is not required by the new claims. New claims are directed to a system and methods for remote viewing of a slide involving control features that is not required by claim 1. These distinct processes and methods are often separately characterized and published in literature and would add undue search burden if they were all examined together. Thus, they are considered distinct invention types for restriction purposes.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 2-35 are directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03. As the only claims pending are directed to a nonelected invention, the amendment filed 4/29/06 is considered nonresponsive.

Since the above-mentioned amendment appears to be a *bona fide* attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

Papers related to this application may be submitted to Technical Center 1600 by facsimile transmission. Papers should be faxed to

Technical Center 1600 via the PTO Fax Center. The faxing of such papers must conform with the notices published in the Official Gazette, 1096 OG 30 (November 15, 1989). The Fax Center number is (571) 273-8300.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carolyn Smith, whose telephone number is (571) 272-0721. The examiner can normally be reached Monday through Thursday from 8 A.M. to 6:30 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Wang, can be reached on (571) 272-0811. Any inquiry of a general nature or relating to the status of this application should be directed to Legal Instruments Examiner Tiffany Tabb whose telephone number is (571) 272-0556.

Carolyn Smith
June 26, 2006
10/620016



ANDREW WANG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1600